

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA NATURAL)	
GAS COMPANY, INC. FOR AN ADJUSTMENT OF)	CASE NO.
ITS RATES AND A CERTIFICATE OF PUBLIC)	2021-00185
CONVENIENCE AND NECESSITY)	

ORDER

On November 5, 2021, the Attorney General of the Commonwealth of Kentucky, through the Office of Rate Intervention (Attorney General) filed a motion requesting witnesses, Bion Ostrander and Richard A. Baudino, be permitted to participate virtually in the November 16, 2021 through November 18, 2021 hearing scheduled in this case. The Attorney General states as a basis for this motion that a settlement has been reached and the witnesses' testimony will likely be reduced.

Based upon the motion and being otherwise sufficiently advised, the Commission finds that the Attorney General has not established good cause to grant the motion to allow virtual appearance of these witnesses. Given the statutory responsibilities of the Commission, a settlement agreement and length of testimony are not sufficient reasons for virtual testimony.

However, *sua sponte*, the Commission finds there is good cause to permit these witnesses to testify virtually based on the ongoing COVID-19 pandemic. At the present time, Franklin County, Kentucky, where the Commission's offices are located, has been

identified as a “Red County” by the Kentucky Coronavirus Monitoring service.¹ When counties have been identified as “red” certain precautions are recommended to ensure proper social distancing. This includes limiting in person participation in hearings.²

IT IS THEREFORE ORDERED that:

1. The Attorney General’s motion seeking Commission approval for virtual appearance of Bion Ostrander and Richard Baudino at the November 16, 2021 through November 18, 2021 hearing is denied.

2. Due to COVID-19 concerns, Mr. Ostrander and Mr. Baudino will be permitted to appear virtually at the November 16, 2021 through November 18, 2021 hearing.

3. Commission Staff shall contact participants with instructions for participating remotely.

¹ *COVID-19 Current Incidence Rate in Kentucky*, report dated November 8, 2021, accessed at <https://govstatus.egov.com/kycovid19> accessed on November 9, 2021.

² *Id.* and [RedCountyRecommendation.pdf \(ky.gov\)](#) last updated on November 8, 2021, accessed on November 9, 2021.

By the Commission



ATTEST:


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